

REMARKS/ARGUMENTS

The office action of April 16, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-20 and 22 remain in this application. Claims 21 and 23-30 have been canceled. Claim 31 has been added. Support for claim 31 is found in Example 139(a).

Claims 24 and 30 stand objected to for minor informalities. These claims are canceled; hence the rejection is moot.

Claims 1-30 stand rejected under 35 USC 112, first paragraph, as not enabled. The term “prodrug thereof” has been deleted from claims 1 and 22. Withdrawal of this rejection is requested.

Claims 21-30 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement regarding the use of the term “mediated by.” Claims 21 and 23-30 have been canceled. Claim 22 has been amended to delete the term “mediated by” and instead recite “a disorder selected from the group consisting of obesity, excessive food intake, and smoking craving.” Withdrawal of this rejection is requested.

Claims 24, 28, and 30 stand rejected under 35 USC 112, second paragraph, as indefinite for the use of the terms “memory deficit” and “smoking cessation” as disorders. Claims 24, 28, and 30 have been canceled; hence the rejection is moot.

Claims 1-30 stand rejected under 35 USC 103(a) as unpatentable over Adams et al. (WO 99/37612) in view of Achard et al. (US 2002/0019383).

Contrary to the position in the Office Action, the Archard compounds are not “very close” in structural similarity to those of Adams and the present application. Achard (a) does not have an amide moiety attached to the azetidine nitrogen, and (b) does not have the ether link to the ring carbon in position 3 of the azetidine ring. In fact, the only similarity between the Achard and Adams compounds seems to be the common possession of an azetidine ring. Thus, one skilled in the art would not have had any reasonable expectation that the instant compounds were suitable for the treatments as claimed in view of Archard. Withdrawal of this rejection is requested.

Claims 1-30 stand rejected on the ground of obviousness double patenting over claims

1-15, 18, and 21-24 of U.S. Patent 6,403,574 (Adams) in view of Achard et al. (U.S. 6,566,356.)

For the same reasons identified above, Adams in view of Archard do not teach or suggest the instant claims. Withdrawal of this rejection is requested.

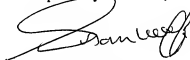
CONCLUSION

If any further fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Date: 8/7/06

Respectfully submitted,



Susan A. Wolfe
Reg. No. 33,568

Banner & Witcoff, Ltd.
1100 13th Street, N.W.
Suite 1200
Washington, DC 20005
Telephone: 202-824-3000